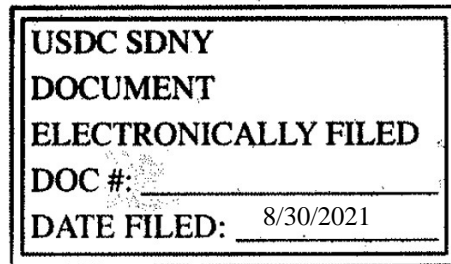


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
KAYENAT FARAH et al.,

Plaintiffs,

-against-

EMIRATES et al.,

Defendants.
-----X

21-CV-5786 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiffs filed this action on July 7, 2021. (Doc. 5.) Plaintiffs have filed two affidavits of service for Defendant Emirates Service Plan—one filed on August 12, 2021, indicating that service was effectuated on July 27, 2021, (Doc. 19), and the other filed on August 23, 2021, indicating that service was effectuated on July 28, 2021, (Doc. 27). Based on these affidavits of service, the Emirates Severance Plan has missed its deadline to answer or otherwise respond to the complaint. Plaintiffs, however, have taken no action to prosecute this case against Emirates Severance Plan.

Further, while this case was filed nearly two months ago, Plaintiffs have not filed an affidavit of service for Defendant Emirates.

Accordingly, it is hereby:


ORDERED that the parties are directed to submit a joint filing on or before September 3, 2021, indicating the parties' respective positions on the following: (1) whether Emirates Severance Plan is a proper party, (2) why Emirates Severance Plan was served twice, and (3) whether Emirates was served.

IT IS FURTHER ORDERED that, to the extent Emirates Severance Plan is a proper party

and was properly served, Plaintiffs are directed to move for a default judgment against it in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than October 4, 2021. If Plaintiffs fail to do so or otherwise demonstrate that they intend to prosecute this litigation, I may dismiss this case against Emirates Severance Plan for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Plaintiffs cannot move for default judgment against Emirates at this time because they have failed to file an affidavit of service for Emirates. Failure to comply with Federal Rule of Civil Procedure 4(m) risks dismissal of this action against Emirates.

SO ORDERED.

Dated: August 30, 2021
New York, New York



VERNON S. BRODERICK
United States District Judge